
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 200 Session of
2023

INTRODUCED BY SANTARSIERO, KANE, SCHWANK, CAPPELLETTI, FONTANA,
KEARNEY, HAYWOOD, HUGHES, TARTAGLIONE, DILLON, SAVAL,
COLLETT, COSTA, A. WILLIAMS, MUTH AND COMITTA, MAY 8, 2023

REFERRED TO JUDICIARY, MAY 8, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, providing for assault weapons and large capacity
4 magazines and establishing the Firearms and Ammunition
5 Buyback Program and the Pennsylvania State Police Buyback
6 Fund.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Title 18 of the Pennsylvania Consolidated
10 Statutes is amended by adding sections to read:

11 § 6105.3. Assault weapons and large capacity magazines.

12 (a) General rule.--Except as otherwise provided in
13 subsection (j), no person shall possess, manufacture, import,
14 sell or transfer an assault weapon or large capacity magazine.

15 (b) Certificate of possession.--

16 (1) An owner of an assault weapon shall obtain a
17 certificate of possession under this section or immediately
18 surrender the assault weapon in accordance with paragraph

19 (5).

1 (2) Upon application by an individual 21 years of age or
2 older within 180 days of the effective date of this section,
3 a certificate of possession may be issued by the Pennsylvania
4 State Police to the owner of an assault weapon for possession
5 and use in accordance with this section.

6 (3) An individual issued a certificate of possession
7 under this section may possess, use, manufacture or otherwise
8 control an assault weapon as follows:

9 (i) At the domicile or business of the individual
10 owning the assault weapon.

11 (ii) At the domicile of another property owner with
12 the permission of that property owner.

13 (iii) At a bona fide target or shooting range
14 operated by a business or club to which the individual is
15 a customer, member or guest of a customer or member.

16 (iv) At a firearms exhibition, display or
17 educational project if the assault weapon is not loaded.

18 (v) In a motor vehicle if the individual is at or
19 traveling to or from a place listed in subparagraph (i),
20 (ii), (iii) or (iv) and if, while traveling to or from
21 the place, the assault weapon is not loaded and is kept
22 in a secure case or a compartment of the vehicle that is
23 not accessible to the occupants of the vehicle.

24 (4) A certificate of possession issued under this
25 section shall be valid throughout this Commonwealth and shall
26 be in a form prescribed by the Pennsylvania State Police. The
27 certificate shall include all of the following:

28 (i) The name, address, date of birth, race, sex,
29 citizenship, height, weight, color of hair, color of eyes
30 and signature of the certificate holder.

1 (ii) A number, of which the first two numbers shall
2 be a county location code, corresponding to the
3 certificate holder's residence, followed by numbers
4 issued in numerical sequence.

5 (iii) A photograph of the certificate holder in a
6 form compatible with the Commonwealth Photo Imaging
7 Network.

8 (iv) The expiration date of the certificate of
9 possession.

10 (v) Any other information required by the
11 Pennsylvania State Police.

12 (5) An owner of an assault weapon who fails to apply for
13 a certificate of possession in accordance with paragraph (2)
14 or who was denied a certificate of possession under this
15 section shall, within five days, surrender the assault weapon
16 to a law enforcement agency. Failure of an individual to
17 submit an application for a certificate of possession under
18 paragraph (2) shall not constitute a defense in a prosecution
19 for a violation of this section. An individual who submitted
20 an application for a certificate of possession in accordance
21 with paragraph (2) and who has not been issued a certificate
22 of possession under this section may continue to possess an
23 assault weapon pending final approval or denial of the
24 application by the Pennsylvania State Police.

25 (c) Application for certificate of possession.--

26 (1) The Pennsylvania State Police shall develop and
27 provide a form within 60 days of the effective date of this
28 section that details the following information for each
29 assault weapon for which a certificate of possession is
30 requested and may be issued:

1 (i) The information listed in subsection (b) (4) (i)
2 and the telephone number and thumbprint of the applicant.

3 (ii) A description of the assault weapon, including
4 the manufacturer's name, model number and serial number.

5 (iii) Identification marks or unique characteristics
6 of the assault weapon.

7 (iv) Proof of lawful purchase or ownership if
8 available.

9 (2) Upon receipt of the form, the Pennsylvania State
10 Police shall do all of the following:

11 (i) Conduct a criminal background, juvenile
12 delinquency and mental health records background check
13 following the procedures set forth in section 6111
14 (relating to sale or transfer of firearms) to determine
15 whether the person is eligible to possess an assault
16 weapon under this section.

17 (ii) Investigate whether the applicant's character
18 and reputation are such that the applicant is not likely
19 to act in a manner dangerous to public safety.

20 (iii) Issue the certificate of possession within 60
21 days of application if the applicant was otherwise
22 eligible to possess an assault weapon before the
23 effective date of this section.

24 (iv) Collect the fee under subsection (g).

25 (d) Term of certificate of possession.--

26 (1) A certificate of possession issued under this
27 section shall be valid throughout this Commonwealth for a
28 period of five years unless extended under paragraph (3) or
29 sooner revoked.

30 (2) At least 60 days prior to the expiration of a

1 certificate of possession, the Pennsylvania State Police
2 shall send to the certificate holder an application for
3 renewal of the certificate of possession. Failure to receive
4 a renewal application shall not relieve a certificate holder
5 from the responsibility to renew a certificate of possession.

6 (3) A certificate of possession may be renewed for an
7 additional period of five years if not sooner revoked.

8 (4) Notwithstanding paragraph (1) or any other provision
9 of law to the contrary, a certificate of possession that is
10 held by a member of the United States Armed Forces or the
11 Pennsylvania National Guard on Federal active duty and
12 deployed outside this Commonwealth that is scheduled to
13 expire during the period of deployment shall be extended
14 until 90 days after the end of the deployment.

15 (5) Possession of a certificate of possession, together
16 with a copy of the person's military orders showing the dates
17 of deployment, including the date that the deployment ends,
18 shall constitute, during the extension period specified in
19 paragraph (4), a defense to any charge filed under this
20 section.

21 (e) Duty to secure.--

22 (1) Except as provided under paragraph (2), an
23 individual issued a certificate of possession under this
24 section shall secure the assault weapon:

25 (i) with a device that, if installed on the assault
26 weapon and secured by means of a key or a mechanical,
27 electronic or electromechanical combination lock,
28 prevents the assault weapon from being discharged without
29 first deactivating or removing the device;

30 (ii) with a locking mechanism incorporated into the

1 design of the assault weapon that prevents discharge of
2 the assault weapon by an individual who does not have
3 access to the key or other device designed to unlock the
4 mechanism; or

5 (iii) in a locked box or container or a location
6 that a reasonable individual would believe to be secure.

7 (2) Paragraph (1) shall not apply if an individual
8 carries an assault weapon:

9 (i) on the individual's body; or

10 (ii) within close enough proximity to the
11 individual's body to allow the individual to retrieve and
12 use the assault weapon as if the assault weapon was on
13 the individual's body.

14 (f) Transfers.--After the effective date of this section, an
15 individual who obtains ownership of an assault weapon by
16 bequest, interstate succession or by any other means shall,
17 within 90 days, do any of the following:

18 (1) Render the assault weapon permanently inoperable and
19 turn the assault weapon over to a law enforcement agency.

20 (2) Sell the weapon through the Firearms and Ammunition
21 Buyback Program or a municipal buyback program under section
22 6111.6 (relating to Firearms and Ammunition Buyback Program).

23 (g) Fee.--

24 (1) The fee for the issuance or renewal of a certificate
25 of possession is \$15. The fee shall include the renewal
26 notice processing.

27 (2) No fee other than that provided by this subsection
28 may be assessed by the Pennsylvania State Police for the
29 performance of any background check made under this section.

30 (3) The fee is payable to the Pennsylvania State Police

1 at the time the application for issuance or renewal is
2 submitted.

3 (4) Except for an administrative fee of \$5, all other
4 fees shall be refunded if the application is denied but shall
5 not be refunded if a license is issued and subsequently
6 revoked.

7 (h) Revocation.--

8 (1) A certificate of possession may be revoked by the
9 Pennsylvania State Police or other law enforcement officer
10 for good cause, including information provided by other law
11 enforcement agencies.

12 (2) Notice of revocation shall be in writing and shall
13 state the specific reason for revocation. Notice shall be
14 sent by certified mail to the individual whose certificate is
15 revoked, and, at that time, notice shall also be provided to
16 the Pennsylvania State Police by electronic means, including
17 email or facsimile transmission, that the certificate is no
18 longer valid.

19 (3) An individual whose certificate of possession is
20 revoked shall surrender the certificate as well as any
21 assault weapons for which a certificate has been issued to
22 the Pennsylvania State Police within five days of receipt of
23 the notice.

24 (4) An individual whose certificate is revoked may
25 appeal to the court of common pleas for the judicial district
26 in which the individual resides.

27 (i) Duties of Pennsylvania State Police.--The Pennsylvania
28 State Police shall do all of the following:

29 (1) Develop procedures for the processing of
30 applications for and approval of certificates of possession.

1 (2) Design the certificate of possession form.

2 (3) Conduct background checks on applicants for the
3 issuance of a certificate of possession.

4 (4) Maintain a registry of certificates of possession
5 issued. A registry maintained by the Pennsylvania State
6 Police under this section shall not be subject to the act of
7 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know
8 Law.

9 (5) Notify certificate of possession holders of the
10 pending expiration of certificates of possession and issue
11 renewal forms.

12 (6) Initiate revocation of certificates of possession
13 and revoke certificates of possession for cause as provided
14 in this section.

15 (7) Collect fees as provided in subsection (g) to
16 administer this program and maintain the registry.

17 (j) Exceptions.--The provisions of subsection (a) shall not
18 apply to:

19 (1) Any of the following in the performance of official
20 duties:

21 (i) Law enforcement officers.

22 (ii) State parole agents.

23 (iii) A county probation or parole officer who is
24 authorized to carry a weapon in connection with
25 performance of the duties of the officer's employment.

26 (iv) A chief administrator, deputy warden or
27 corrections officer of a State or county correctional
28 institution.

29 (v) Constables who have been certified by the
30 Pennsylvania Commission on Crime and Delinquency to carry

1 firearms in connection with the performance of their
2 judicial duties.

3 (vi) Active members of the armed forces of the
4 United States or of the National Guard or organized
5 reserves.

6 (vii) Officers or employees of the United States
7 duly authorized to carry an assault weapon.

8 (2) An agent, messenger or other employee of a common
9 carrier, bank or business firm whose duties require the
10 protection of money, valuables and other property in the
11 discharge of the individual's duties.

12 (3) Any licensed person engaged in the business of
13 manufacturing, repairing or dealing in assault weapons, or
14 the agent or representative of the person, having an assault
15 weapon in the person's possession or using or carrying an
16 assault weapon in the usual and ordinary course of business.

17 (4) A person lawfully engaged in the interstate
18 transportation of an assault weapon in compliance with 18
19 U.S.C. § 926A (relating to interstate transportation of
20 firearms).

21 (5) A person who is the lawful owner of an assault
22 weapon on or before the effective date of this section and
23 who is issued a certificate of possession by the Pennsylvania
24 State Police under this section and regulations of the
25 Pennsylvania State Police.

26 (k) Penalties.--

27 (1) Except as provided in paragraph (2), (3) or (4), a
28 person who violates this section commits a misdemeanor of the
29 first degree.

30 (2) An individual who violates subsection (h)(3) commits

1 a misdemeanor of the third degree.

2 (3) A second or subsequent offense under this section is
3 a felony of the third degree.

4 (4) A person who violates subsection (b) (5) commits:

5 (i) A summary offense with no term of imprisonment
6 if the offense is a first offense.

7 (ii) A misdemeanor of the third degree if the
8 offense is a second or subsequent offense.

9 (iii) A felony of the third degree if:

10 (A) another person takes possession of the
11 firearm; and

12 (B) the firearm is used in the commission of a
13 crime or used in an event that results in the injury
14 or death of another person.

15 (1) Defenses.--It shall be a defense to a prosecution under
16 this section if any of the following apply:

17 (1) The firearm was secured in a manner described under
18 subsection (e).

19 (2) The firearm was obtained as a result of an unlawful
20 entry by another person.

21 (3) An injury resulted from a target or sport shooting
22 accident or hunting accident.

23 (4) Possession of the firearm is incidental to the
24 performance of the official duties of the United States Armed
25 Forces, the Pennsylvania National Guard or the personnel of a
26 Federal, State or local law enforcement agency.

27 (m) Definitions.--As used in this section, the following
28 words and phrases shall have the meanings given to them in this
29 subsection unless the context clearly indicates otherwise:

30 "Assault weapon." Includes all of the following:

1 (1) A semiautomatic center fire rifle capable of
2 accepting detachable magazines and a pistol grip protruding
3 conspicuously below the weapon's action, a thumbhole stock or
4 folding or telescopic stock, a flash suppressor, grenade
5 launcher or flare launcher or a forward pistol grip.

6 (2) A semiautomatic center fire rifle with an overall
7 length of less than 30 inches.

8 (3) A semiautomatic center fire rifle with a fixed
9 magazine capable of holding more than 10 rounds of
10 ammunition.

11 (4) A semiautomatic pistol capable of accepting
12 detachable magazines and a threaded barrel, a second
13 handgrip, a capacity to accept a detachable magazine at some
14 location outside the pistol grip or a shroud attached to, or
15 partially or completely encircling, the barrel allowing the
16 bearer to fire the weapon without burning the bearer's hand,
17 except for a slide enclosing the barrel.

18 (5) A semiautomatic pistol with a fixed magazine having
19 the capacity to accept more than 10 rounds.

20 (6) A semiautomatic shotgun having a folding or
21 telescoping stock, a pistol grip protruding conspicuously
22 beneath the action of the weapon, a thumbhole stock or a
23 vertical handgrip.

24 (7) A semiautomatic shotgun with the ability to accept
25 detachable magazines.

26 (8) A shotgun with a revolving cylinder.

27 (9) A part or combination of parts designed or intended
28 to convert a firearm into an assault weapon or any
29 combination of parts from which an assault weapon may be
30 readily assembled if those parts are in the possession of or

1 under the control of the same person.

2 (10) The following specified semiautomatic firearms or
3 copies or duplicates with the capability of such firearms
4 that were in production before the effective date of this
5 section: Algimec Agmi; Armalite AR-180; Australian Automatic
6 Arms SAP Pistol; Auto-Ordnance Thompson type; Avtomat
7 Kalashnikov AK-47 type; Barrett Light-Fifty model 82A1;
8 Beretta AR-70; Bushmaster Auto Rifle and Auto Pistol; Calico
9 models M-900, M-950 and 100-P; Chartered Industries of
10 Singapore SR-88; Colt AR-15 and Sporter; Daewoo K-1, K-2,
11 Max-1 and Max-2; Encom MK-IV, MP-9 and MP-45; Fabrique
12 Nationale FN/FAL, FN/LAR or FN/FNC; FAMAS MAS 223; Feather
13 AT-9 and Mini-AT; Federal XC-900 and XC-450; Franchi SPAS-12
14 and LAW-12; Galil AR and ARM; Goncz High-Tech Carbine and
15 High-Tech Long Pistol; Heckler & Koch HK-91, HK-93, HK-94 and
16 SP-89; Holmes MP-83; MAC-10, MAC-11 and MAC-11 Carbine type;
17 Intratec TEC-9 and Scorpion; Iver Johnson Enforcer model
18 3000; Ruger Mini-14/5F folding stock model only; Scarab
19 Skorpion; SIG 57 AMT and 500 series; Spectre Auto Carbine and
20 Auto Pistol; Springfield Armory BM59, SAR-48 and G-3;
21 Sterling MK-6 and MK-7; Steyr AUG; Street Sweeper and Striker
22 12 revolving cylinder shotguns; USAS-12; UZI Carbine, Mini-
23 Carbine and Pistol; Weaver Arms Nighthawk; and Wilkinson
24 "Linda" Pistol.

25 (11) The following specified semiautomatic centerfire
26 rifles or copies or duplicates with the capability of such
27 rifles that were in production before the effective date of
28 this section: AK-47; AK-74; AKM; AKS-74U; ARM; MAADI AK47;
29 MAK90; MISR; NHM90 and NHM91; Norinco 56, 56S, 84S and 86S;
30 Poly Technologies AKS and AK47; SA 85; SA 93; VEPR; WASR-10;

1 WUM; Rock River Arms LAR-47; Vector Arms AK-47; AR-10; AR-
2 15; Bushmaster Carbon 15, Bushmaster XM15, Bushmaster ACR
3 Rifles and Bushmaster MOE Rifles; Colt Match Target Rifles;
4 Armalite M15; Olympic Arms AR-15, A1, CAR, PCR, K3B, K30R,
5 K16, K48, K8 and K9 Rifles; DPMS Tactical Rifles; Smith and
6 Wesson M&P15 Rifles; Rock River Arms LAR-15; Doublestar AR
7 Rifles; Barrett REC7; Beretta Storm; Calico Liberty 50, 50
8 Tactical, 100, 100 Tactical, I, I Tactical, II and II
9 Tactical Rifles; Hi-Point Carbine Rifles; HK-PSG-1; Kel-Tec
10 Sub-2000, SU Rifles and RFB; Remington Tactical Rifle Model
11 7615; SAR-8, SAR-4800 and SR9; SLG 95; SLR 95 or 96; TNW M230
12 and M2HB; Vector Arms UZI; Galil and Galil Sporter; Daewoo
13 AR 100 and AR 110C; Fabrique Nationale/FN 308 Match and L1A1
14 Sporter; HK USC; IZHMAISH Saiga AK; SIG Sauer 551-A1, 556,
15 516, 716 and M400 Rifles; Valmet M62S, M71S and M78S;
16 Wilkinson Arms "Linda" Carbine; and Barrett M107A1.

17 (12) The following specified semiautomatic pistols or
18 copies or duplicates with the capability of such pistols that
19 were in production before the effective date of this section:
20 Centurion 39 AK; Draco AK-47; HCR AK-47; I.O. Inc. Hellpup
21 AK-47; Mini-Draco AK-47; Yugo Krebs Krink; American Spirit
22 AR-15; Bushmaster Carbon 15; Doublestar Corporation AR; DPMS
23 AR-15; Olympic Arms AR-15; Rock River Arms LAR 15; Calico
24 Liberty III and III Tactical Pistols; Masterpiece Arms MPA
25 Pistols and Velocity Arms VMA Pistols; Intratec TEC-DC9 and
26 AB-10; Colefire Magnum; German Sport 522 PK and Chiappa
27 Firearms Mfour-22; DSA SA58 PKP FAL; I.O. Inc. PPS-43C; Kel-
28 Tec PLR-16 Pistol; Sig Sauer P516 and P556 Pistols; and
29 Thompson TA5 Pistols.

30 (13) The following semiautomatic shotguns or copies or

1 duplicates with the capability of such shotguns that were in
2 production before the effective date of this section: All
3 IZHMASH Saiga 12 Shotguns.

4 "Large capacity magazine." A detachable ammunition-feeding
5 device with the capacity to accept more than 10 rounds of
6 ammunition. The term does not include any of the following:

7 (1) a feeding device that has been permanently altered
8 so that it cannot accommodate more than 10 rounds;

9 (2) a .22 caliber tube ammunition-feeding device; or

10 (3) a tubular magazine that is contained in a lever-
11 action firearm.

12 § 6111.6. Firearms and Ammunition Buyback Program.

13 (a) Establishment.--The Firearms and Ammunition Buyback
14 Program is established within the Pennsylvania State Police. The
15 Pennsylvania State Police shall promulgate rules and regulations
16 as necessary for the implementation of the buyback program,
17 including, but not limited to, the following:

18 (1) The manner in which a participating law enforcement
19 agency may apply for funds to support the buyback program and
20 how the funds will be allocated and distributed.

21 (2) Guidelines for the safe storage and disposal of
22 assault weapons, firearms, rifles, shotguns and ammunition
23 received as part of the buyback program in the possession of
24 a participating law enforcement agency, for the return of any
25 recovered stolen property to its rightful owner as
26 appropriate and for the retention of assault weapons,
27 firearms, rifles, shotguns and ammunition as evidence of a
28 potential crime.

29 (3) Guidelines for a participating law enforcement
30 agency to coordinate with community groups within its

1 jurisdiction.

2 (4) Guidelines to allow individuals to return assault
3 weapons, firearms, rifles, shotguns and ammunition for
4 monetary rewards.

5 (b) Municipal buyback program.--A law enforcement agency may
6 develop and implement its own municipal gun buyback program that
7 conforms to the rules and regulations promulgated by the
8 Pennsylvania State Police under subsection (a).

9 (c) Pennsylvania State Police Buyback Fund.--

10 (1) The Pennsylvania State Police Buyback Fund is
11 established as a fund in the State Treasury. Money in the
12 fund shall not lapse.

13 (2) Money deposited into the fund, including any
14 accruing interest, is appropriated to the Pennsylvania State
15 Police on a continuing basis to implement the buyback
16 program.

17 (3) An administrative action may not prevent the deposit
18 of money into the fund in any fiscal year.

19 (4) The fund may only be used for the implementation of
20 the buyback program. Money in the fund may not be transferred
21 or diverted for other purpose by administrative action.

22 (5) Money available to the fund shall include
23 appropriations to the Pennsylvania State Police for the
24 buyback program, transfers from the General Fund or funds in
25 the State Treasury, Federal funds or other sources of revenue
26 as provided by State law.

27 Section 2. This act shall take effect in 60 days.